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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,145

07/10/2007

Rene Koerber

KORB3001/FJD

4988

23364 7590 11/09/2010

BACON & THOMAS, PLLC

625 SLATERS LANE

FOURTH FLOOR

ALEXANDRIA, VA 22314-1176

EXAMINER

VOLZ, ELIZABETH J

ART UNIT

PAPER NUMBER

3781

MAIL DATE

DELIVERY MODE

11/09/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,145	Applicant(s) KOERBER ET AL.	
	Examiner ELIZABETH VOLZ	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/24/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 24 (Figures 1 and 3) and 55 (Figures 1 and 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 18-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding Claims 18, 20, and 34, the phrase "in particular" and "preferably as" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

6. Regarding Claim 31, it is unclear what is meant by "a number".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

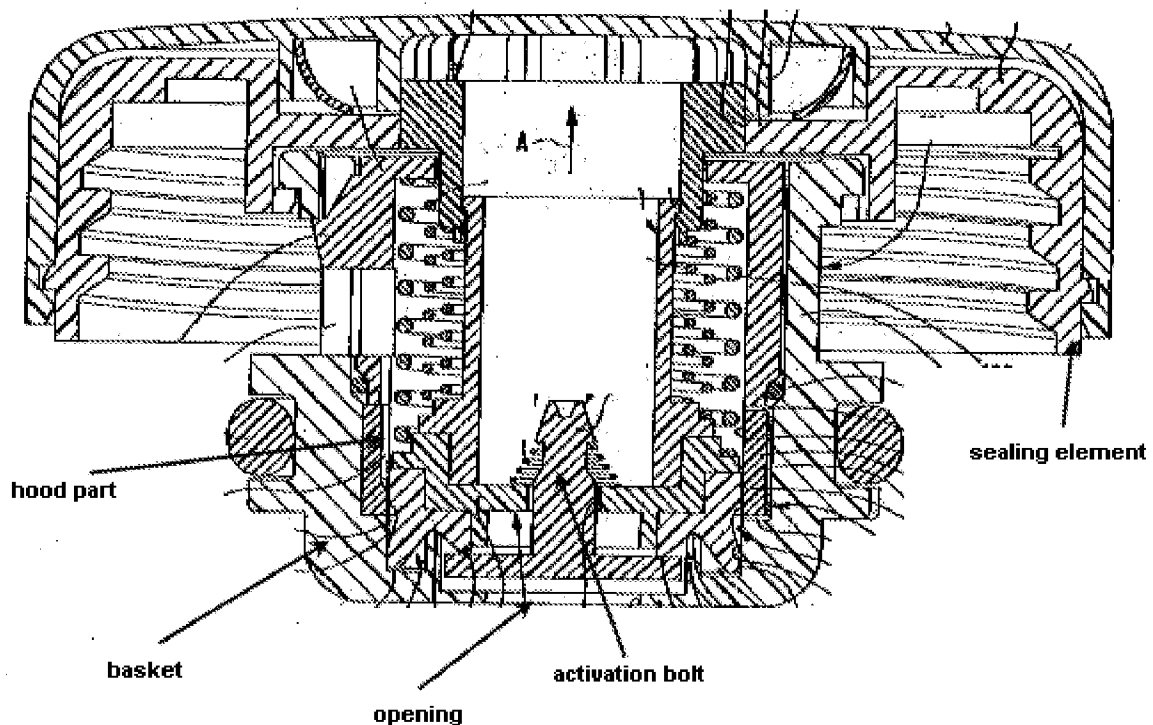
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 18-27 and 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Reutter (U.S. Pub. No. 2003/0183632).
9. Regarding Claim 18, Reutter discloses an anti-twist device for a sealing cap, mountable or mounted on a fixed connecting piece of a container, in particular a motor

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vehicle radiator (Paragraph 19), said sealing cap having: an external cap part 110 (Figure 1) with a grip element 112 (Figure 1) and with a sealing element (Figure 1 below) that is connectable to a counterpart sealing element of the connecting piece (Figure 1 below), relative to which sealing element said grip element is kept relatively rotatable; an internal cap part 114 (Figure 1) with a valve assembly 115 (Figure 1) embodied preferably as an excess/negative pressure combination; an anti-twist stop 180 (Figure 1) and in the external cap part which acts between said grip element and said sealing element; and a drive 171 (Figure 1) triggered by the operating data in the container, the drive being accommodated inside the container near the external cap part and serving to actuate said anti-twist stop (Figure 1).

Figure 1 (Reutter)

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10. Regarding Claim 19, Reutter discloses a drive has a drive part 172 (Figure 1), disposed on a circumferential region of a container wall adjacent to the connecting piece (Figure 1).

11. Regarding Claim 20, Reutter discloses a drive which is formed by two or more drive parts, distributed preferably uniformly over the circumference of a container wall adjacent to said fixed connecting piece (Figure 1).

12. Regarding Claim 21, Reutter discloses each of two drive parts is disposed, held separately, inside the container and tangentially below said counterpart sealing element of the connecting piece (Figure 1).

13. Regarding Claim 22, Reutter discloses each drive part is received in a housing (Figure 1 above) that is held suspended from the container wall.

14. Regarding Claim 23, Reutter discloses said housing is held in pressure tight fashion in a recess in the container wall (Figure 1).

15. Regarding Claim 24, Reutter discloses said housing is composed of a hood part (Figure 1 above), protruding from the container wall, and a basket part (Figure 1 above), whose bottom is provided with an opening (Figure 1 above).

16. Regarding Claim 25, Reutter discloses a hood part (Figure 1 above) which is provided with an axial lead through, which penetrates the container wall and is held in it in pressure tight fashion (Figure 1).

17. Regarding Claim 26, Reutter discloses a hood part and said basket part are joined, locking over and in one another (Figure 1).

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18. Regarding Claim 27, Reutter discloses each drive part has a vertically oriented actuation bolt (Figure 1 above), which, facing toward said anti-twist stop, penetrates the container wall (Figure 1).

19. Regarding Claim 29, Reutter discloses a drive part which is pressure-controlled, and its actuation bolt is spring-loaded 167 (Figure 1) in the opposite direction.

20. Regarding Claim 30, Reutter discloses an anti-twist stop 180 (Figure 1) which has a horizontally disposed and axially movable coupling unit (Figure 1).

21. Regarding Claim 31, Reutter discloses a coupling unit has a number of separate coupling elements, corresponding to the number of drive parts, which coupling elements are each diametrically opposite said drive part or drive parts (Figure 1).

22. Regarding Claim 32, Reutter discloses a coupling element which is joined in a manner fixed against relative motion to an axial bolt 147 (Figure 1), which can be acted upon by said actuation bolt counter to the action of a compression spring 183 (Figure 1).

23. Regarding Claim 33, Reutter discloses a coupling element which is disposed in a manner fixed against relative rotation in said sealing element of said external cap part and is provided radially on the outside with a set of teeth which upon axial motion of said coupling element can be brought into and out of engagement in a manner fixed against relative rotation with a corresponding set of teeth in said grip element of said external cap part (Paragraph 26).

24. Regarding Claim 34, Reutter discloses a unit comprising a container having one of: a connecting piece, and a container connecting piece (Paragraph 19) and a sealing cap 111 (Figure 1), having an anti-twist device 180 (Figure 1; Paragraph 19), said

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sealing cap having: an external cap part 110 (Figure 1) with a grip element 112 (Figure 1) and with a sealing element (Figure 1 above) that is connectable to a counterpart sealing element of the connecting piece (Figure 1), relative to which sealing element said grip element is kept relatively rotatable; an internal cap part 114 (Figure 1) with a valve assembly 115 (Figure 1) embodied preferably as an excess/negative pressure combination; an anti-twist stop 180 (Figure 1) and in the external cap part which acts between said grip element and said sealing element; and a drive 171 (Figure 1) triggered by the operating data in the container, the drive being accommodated inside the container near the external cap part and serving to actuate said anti-twist stop (Figure 1).

25. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571) 270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./
Examiner, Art Unit 3781

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781